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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

3. REAL PROPERTY AND
IMPROVEMENTS IDENTIFIED BY
MENDOCINO COUNTY APN 051-180-09,
051-180-10, et. al,

Defendants.

Paul Sayers, Graeson Prescott, Diana
Mendes

Claimants.

No. CV 08-3093 WHA

STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE

and

~~PROPOSED~~ ORDER

CMC Date: 16, 2010
Time: 11:00 a.m.

Courtroom 11, 19th Floor

Plaintiff, United States of America and claimants, Graeson Prescott and Paul Sayers,
by and through their respective attorneys, respectfully submit this request to continue the Case
Management Conference currently set for December 16, 2010. The parties stipulate and request a
continuance for the reason set forth below.

The court was previously advised that claimants Prescott and Sayers have entered into

plea agreements in a related criminal case in which they have agreed to forfeit one of the defendant properties to which they filed a claim in this civil forfeiture action (real property and improvements identified as APN # 051-180-09). The parties have also agreed to a proposed settlement in this civil forfeiture action. A copy of the proposed settlement agreement between the United States and claimants Prescott and Sayers is attached hereto as Exhibit A. The parties anticipated the settlement agreement would be presented to the court on or before December 9, 2010. However, on December, 8, 2010, counsel for the United States and claimants Prescott and Sayers discovered that there is not a separate legal description for the specific parcel (APN #051-180-09) that claimants Prescott and Sayers have agreed to forfeit. The only legal description available combines APN # 051-180-09 and APN #051-180-10. The legal description of both parcels appears to have been combined when Mendocino County renumbered the parcels. Without a specific legal description of the property to be forfeited, an order of forfeiture can not be entered in this case. Accordingly, the United States has requested the United States Marshal's Service to obtain a separate legal description of APN # 051-180-09. The Marshal's Service is expediting this request, but is not able to provide a specific date when the new legal description will be available because a survey may be necessary.

The parties respectfully request that the case management conference set for December 16, 2010, be continued for 30 days to allow the United States Marshal's to obtain a legal description of APN #051-180-09. If the legal description becomes available before that date, the parties will submit the attached settlement agreement for the Court's approval and the case, as it pertains to claimants Prescott and Sayers, will be over.

Claimant Diana Mendes does not object to the continuance.

DATED: December 8, 2010

/S/ Susan B. Gray
SUSAN B. GRAY
Assistant United States Attorney

DATED: December 8, 2010

/S/ Eugene Denson
EUGENE DENSON
Attorney for Graeson Prescott

1 DATED: December 8, 2010

/S/ Ann Moorman

ANN MOORMAN

Attorney for Claimant Paul Sayers

3 DATED: December 8, 2010

/S/ Jonathan Howden

JONATHAN HOWDEN

Attorney for Claimant Diana Mendes

6 **[PROPOSED] ORDER**

7 BASED ON THE FOREGOING STIPULATION, THE CASE MANAGEMENT
8 CONFERENCE SCHEDULED FOR DECEMBER 16, 2010, AT 11:00 A.M. IS CONTINUED TO
9 January 27, 2011 AT 11:00 am.

11 IT IS SO ORDERED

